UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF VIRGINIA

THOMAS DOMONOSKE,
Individually and on behalf others similarly situated

Plaintiff

-vs-

Case No. 05:08-CV-00066
Hon. Samuel G. Wilson
Magistrate Judge: Michael F. Urbanski

BANK OF AMERICA, N.A.,

Defendant

DECLARATION OF IAN LYNGKLIP

Ian B. Lyngklip makes the following statement under oath as an attorney of record and officer of the court:

1. My name is Ian B. Lyngklip
2. I am an attorney of record in this case.
3. I am the senior member in the Law Firm of Lyngklip & Associates Consumer Law Center, PLC.
4. I have attached a copy of my time records to this declaration.
5. The accompanying time records reflect the time expended by my firm and attorneys working with my firm on this matter.
6. The other attorneys whose time records are included in the billing are
   a. Gary M. Victor who is of counsel to my office and has worked with me for over 10 years, and
   b. Craig Shapiro, who is an attorney I have previously associated with and who acted

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as local counsel in this case, in our efforts to secure third-party depositions.

7. Each of the outside attorneys has represented to me that these statements accurately reflect the time expended in assisting my office in the litigation of this case.

8. The time records which have been submitted for my firm's work represents a good faith estimated of the time spent in the course of representing the plaintiff in this action where indicated.

9. I arrived at this estimate based upon the following

   a. Contemporaneous time records made throughout the pendency of this case.

   b. Billings for previously unbilled emails, all which have been recorded that the minimum time increment. The entry for these items are noted in my time slips as a "block" bill. In support of those two entries, I have downloaded and printed the contents of my emails concerning this case to an Excel formatted spread sheet, which has been redacted to protect confidential and privileged information which is not necessary to establish that the occurrence of the event which is billed at the minimum rate.

   c. Billings for previously unbilled phone calls to and from class counsel between June 2009 and December 2009. The entry for these items are noted in my time slips as a "block" bill dated for each of the appropriate months. In support of those two entries, I have downloaded and printed the copies of my phone bill for each of the respective months to an Excel formatted spread sheet, directly from my communications carrier's web site. I have redacted information which is extraneous to the court's request and sorted each spreadsheet by time expended. Also included is a summary sheet for each month documenting the calls by the billable increments.

d. Billings for previously unbilled items for which independent documentation exists on my computer system. Billing times for these items were estimated based upon available system data and average times which would be expended on comparable projects.

10. I have not included any estimated time for undocumented calls arising prior to June of 2009, because the billings for these calls are not currently available in spread sheet format. That data can be extracted upon request from the court but would require additional technical support.

11. I estimate that the time slips provided represents 65%-75% of the time actually expended on this case.

12. I estimate that in the course of concluding this matter, I will expend an additional 150 to 250 hours. I base this estimate upon the my previous experience in dealing with other class actions. Such time would include,

a. continuing to coordinate efforts to provide notice of the preliminary approval together with the class administrator,

b. preparing a draft of the documents necessary to secure final approval,

c. addressing the concerns of potential objectors,

d. addressing questions and concerns of class members who contact my office following preliminary approval,

e. preparing for and attending the final approval hearing,

f. continuing to coordinate delivery of class benefits together with the class administrator, and

g. administering to the disbursement of any resulting *cy pres* trust.

13. I have reviewed the records of my staff and have determined that the amounts billed for them represent work that was actually performed, which was reasonable and appropriate to the representation of the client.

14. I have personal knowledge of the facts stated in this affidavit.

15. If called to testify as a witness, I can testify truthfully to the facts stated above.

I swear that the statements made are true to the best of my information, knowledge and belief.

______________________________ Dated 12/18/09

Declaration of Ian B. Lyngklip